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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PETER J. NOWICKI,

Plaintiff,

v.

CONTRA COSTA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION; JOHN B. PHILLIPS, SCOTT W. GORDON, RUSSELL V. WATTS, DAVID MacDONALD, JERRY TELLES, DEBORA ALLEN, CANDACE ANDERSON, GABRIEL RODRIGUES, WILLIAM PIGEON, LOUIE A. KROLL, JERRY R. HOLCOMBE and TODD SMITHEY each in her or his official capacity as members of the Board of the Contra Costa County Employees' Retirement Association; and MORAGA-ORINDA FIRE DISTRICT; STEVE ANDERSON, JOHN JEX, KATHLEEN FAMULENER, BRAD BARBER, and CRAIG JORGENS, each in her or his official capacity as members of the Board of the Moraga-Orinda Fire District; and DOES 1 through 25, inclusive.

Defendants.

Case No. 17-cv-00629-SI

~~PROPOSED~~ JUDGMENT

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

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On June 27, 2017, the Court entered its Order Granting Defendants’ Motions to Dismiss the Complaint and Granting Leave to Amend (Docket #47). Plaintiff Peter J. Nowicki failed to file an amended complaint in this case within the time specified in that Order.

NOW THEREFORE, for good cause shown,

IT IS HEREBY ORDERED, JUDGED, AND DECREED that Judgment in this case is entered in favor of Defendants Contra Costa County Employees’ Retirement Association, John B. Philips, Scott W. Gordon, Russell V. Watts, David MacDonald, Jerry Telles, Debora Allen, Candace Anderson, Gabriel Rodrigues, William Pigeon, Louie A. Kroll, Jerry Holcombe and Todd Smithey, each in her or his official capacity as a member of the Board of the Contra Costa County Employees’ Retirement Association, and also in favor of Defendants Moraga-Orinda Fire District, Steve Anderson, John Jex, Kathleen Famulener, Brad Barber and Craig Jorgens, each in her or his official capacity as a member of the Board of the Moraga-Orinda Fire District. Plaintiff Peter J. Nowicki shall recover nothing by reason of his Complaint. All federal causes of action in Plaintiff’s Complaint are dismissed, with prejudice, and the Court declines supplemental jurisdiction over any of Plaintiff’s state law claims. Plaintiff’s Complaint is hereby (1) dismissed, with prejudice, as to Plaintiffs’ First Cause of Action, Second Cause of Action, Sixth Cause of Action and Ninth Cause of Action (to the extent such Ninth Cause of Action is based on any alleged violations of federal law), and (2) dismissed as to the remainder of the complaint, without prejudice to any right Plaintiff may have to timely assert any state law claims in the California courts. As the prevailing parties, defendants may file a claim for taxable costs as provided in Local Rule 54, *et seq.*

DATED: 7/17/17



Hon. Susan Illston
United States District Judge